

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARGIE CHERRY and ESTORIA CHERRY,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

THE CITY COLLEGE OF SAN FRANCISCO  
("City College"), LAWRENCE WONG, in his  
official capacity as President of the Board of  
Trustees, MILTON MARKS, III, in his official  
capacity as Vice-President of the Board of  
Trustees, DR. NATALIE BERG, JOHNNIE  
CARTER, JR., DR. ANITA GRIER, JULIO J.  
RAMOS, RODEL E. RODIS, in their official  
capacities as members of the Board of  
Trustees, and DR. PHILIP R. RAY, JR., in his  
official capacity as Chancellor,

Defendants.

No. C 04-04981 WHA

**ORDER GRANTING IN  
PART AND DENYING IN  
PART PLAINTIFFS'  
MOTIONS TO COMPEL**

On November 22, 2005, plaintiffs brought five motions to compel. Defendants filed  
oppositions to these motions on December 2, 2005. The Court rules on these motions as  
follows:

1. With respect to the June 2 order, defendants' construction of the order is correct  
and has been complied with.
2. With respect to the maps, it would be unreasonable to require the only copies in

1 existence to removed from the walls and copied. Plaintiffs should have used a camera to copy  
2 them in place during the inspections. It is too late now. Also, Requests 18 and 19 were so  
3 overbroad and burdensome that this Court would not enforce them.

4 3. With respect to Mr. Hopper, plaintiffs may depose him for three hours, exclusive  
5 of breaks, provided he can be subpoenaed and deposed before December 16, 2005. At the  
6 conclusion of the three hours, defendant may have 30 minutes for follow-up examination.

7 4. The depositions of Mr. Louser, Mr. Goldstein and the Rule 30(b)(6) witnesses  
8 are now deemed concluded. Plaintiffs had a fair shot. No counsel is entitled to depose  
9 witnesses to the nth degree. A reasonable opportunity has been afforded already. No further  
10 deposition time will be allowed.

11 5. With respect to Gary Jackson, leave to take his deposition is denied too little too  
12 late.

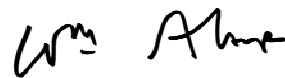
13 \* \* \*

14 The majority of plaintiffs' discovery grievances should have been raised much earlier.  
15 Although it is true that these motions were brought after the discovery cutoff, they were (barely)  
16 brought within the ten-day deadline following the cutoff. That said, the time has come for  
17 counsel to be preparing for trial in earnest and for discovery to come to an end. It would be too  
18 burdensome to allow the requested discovery run in parallel to trial preparation, except to the  
19 limited extent above.

20 Finally, if it is true that Ms. Cherry exited her deposition as directed by defense counsel,  
21 then there may be ramifications at trial when she testifies. But the time for bringing discovery  
22 motions has passed and the Court will not make any further discovery order pertaining thereto.

23  
24 **IT IS SO ORDERED.**

25  
26 Dated: December 5, 2005



27 WILLIAM ALSUP  
28 UNITED STATES DISTRICT JUDGE